

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

JACQUELINE EMMERT
911 Dolin Street
Hopewell, VA 23860.

Plaintiff,

v.

22nd Century Technologies, Inc.
Serve: RAMANJIT SINGH
22nd Century Technologies, Inc.
8251 GREENSBORO DRIVE
SUITE 250,
MCLEAN, VA, 22102

Defendant.

Case No. _____

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Jacqueline Emmert, by and through her undersigned counsel, hereby brings this claim for sex discrimination in violation of Title VII of the Civil Rights Act, 42 U.S.C. § 2000e *et seq.* (“Title VII”).

PARTIES & JURISDICTION

1. Jacqueline Emmert is an individual resident of the Commonwealth of Virginia and resides 911 Dolin Street, Hopewell, VA 23860.

2. 22nd Century Technologies. (“22nd Century”) is a corporation formed under the laws of the state of New Jersey and has its public sector headquarters located at 8251 Greensboro Drive, McLean, Virginia 22102.

3. Jurisdiction is proper in this Court pursuant to 42 U.S.C. § 2000e-16(c) and 28 U.S.C. § 1331 relating to “any civil action or proceeding arising under any Act of Congress regulating commerce.”

4. Venue is proper in this Court pursuant to 42 U.S.C. § 2000e-5(f)(3) and 28 U.S.C. § 1391(b)(1) and (2) as Plaintiff was employed by Defendant in this jurisdiction in the public sector division, worked for Defendant in this jurisdiction, Defendant did work and transacted business in this jurisdiction, and the unlawful events giving rise to this litigation, specifically Ms. Emmert’s termination, occurred in this jurisdiction.

5. 22nd Century is an “employer” as that term is defined by Title VII, as at all relevant times including during Ms. Emmert’s employment and at and after the time of her termination, it was engaged in interstate commerce with more than fifteen employees.

6. On March 4, 2019, Ms. Emmert timely filed a charge of discrimination on the basis of sex with the Equal Employment Opportunity Commission (hereinafter, “EEOC”) (Charge No. 570-2019-01267). On July 20, 2020, Ms. Emmert received a right to sue letter from the EEOC. In conformance with the law, Ms. Emmert has filed the present action prior to the expiration of 90 days from the date of receiving her right to sue letter. Accordingly, Ms. Emmert has exhausted all administrative remedies. Therefore, all conditions precedent to Ms. Emmert maintaining this civil action have accrued, occurred, or been waived.

FACTS

7. Ms. Emmert has had a distinguished career as a government contractor. The bulk of Ms. Emmert’s career has been devoted to working as a contractor with the defense contractors.

1. From April 2013 to May 18, 2018, MS Emmert was employed by General Dynamics Information Technology, Inc. (“GDIT”) as a Tech Writer and Deputy Program

Manager on a government contract with Defense Commissary Agency, a sub-agency of the Department of Defense known as the “DeCA ISS” contract. She at all times effectively performed her duties and consistently received positive feedback from the military customer.

8. The term of the DeCA ISS contract expired in 2018 and 22nd Century Technologies won a re-bid for the contract.

9. As mandated by Executive Order 13945, which requires that qualified employees be given the right of first refusal of their positions when a contract is re-bid, 22nd Century offered Ms. Emmert a position as project manager /task lead.

10. Ms. Emmert accepted the position which had a start date of June 1, 2018.

11. However, on May 31, 2018, 22nd Century terminated her employment before she commenced working and awarded the position, instead to a male.

12. Ms. Emmert was better qualified than the male who was awarded the position.

COUNT I
Discrimination in Violation of Title VII

13. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 12 as if set forth fully herein.

14. 22nd Century, with the intent of discriminating against Ms. Emmert, terminated her and awarded the position she was offered an accepted to a male on the basis of her sex and gender in violation of Title VII.

15. Ms. Emmert’s sex and gender was the motivating factor for the termination.

16. As a direct and proximate result of 22nd Century’s discriminatory conduct, Ms. Emmert has suffered and continues to suffer injury and damage in the form lost back and future wages and benefits of employment, emotional and physical harm, mental anguish, anxiety,

stress, lost earnings capacity, lost career and business opportunities and advancement, damage to reputation, humiliation, and embarrassment.

17. 22nd Century engaged in said conduct intentionally, maliciously, wantonly, oppressively and/or with such recklessness and gross negligence as to evince a conscious disregard for the rights of Ms. Emmert.

WHEREFORE, Ms. Emmert respectfully requests that judgment be entered against 22nd Century and in favor of Ms. Emmert and that Ms. Emmert be awarded the following relief:

- A. Damages in an amount not less than \$400,000, for lost wages, benefits, and other economic loss, physical and emotional harm, pain and suffering, and reputational harm;
- B. Punitive damages in an amount not less than \$600,000;
- C. Reasonable attorneys' fees and costs, pursuant to 42 U.S.C. § 2000e-5(k); and
- D. Such other relief as this Court deems just and proper.

Respectfully submitted:

s/Nicholas Hantzes
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Counsel for Plaintiff

DEMAND FOR JURY TRIAL

Ms. Emmert demands a jury for all issues and claims to which she is entitled to a jury.

Respectfully submitted:

s/Nicholas Hantzes

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